

All communications respecting this case should identify it by number and names of parties.

Paper No.

17 16



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**PAT. & T.M. OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES**

Applicants: Goicoechea et al.

Serial No.: 08/461,402

Filed: 06/05/95

Title: BIFURCATED ENDOLUMINAL
PROSTHESIS

Accorded Benefit of: European
Applications EP9440284.9 filed
02/09/94 and EP94401306.9 filed
06/10/94; and U.S. Serial No.
08/317,763 filed 10/04/94, now
Patent No. 5,609,627 issued
03/11/97

The case referred to above has been forwarded to the Board of Patent Appeals and Interferences because it is adjudged to interfere with other cases hereafter specified. Attention is directed to the fact that this interference is declared pursuant to 37 CFR 1.601 et seq., effective February 11, 1985 (49 F.R. 48416. 1050 O.G. 385). The interference is designated as No. 104,192.

By direction of the Commissioner of Patents and Trademarks and as required by 35 USC 135(c), notice is hereby given the parties of the requirement of the law for filing in the Patent and Trademark Office a copy of any agreement "in connection with or in contemplation of the termination of the interference."

Attachment
(37 CFR § 1.611(c))

The cases involved in this interference are:

JUNIOR PARTY

Patentee: Eric C. Martin
134 Old Post Road North
Croton on Hudson, NY 10520

Patent: 5,575,817 issued 11/19/96, Serial No.
08/293,541 filed 08/19/94

Title: AORTO FEMORAL BIFURCATION GRAFT AND METHOD OF
IMPLANTATION

Assignees: None

Attorney(s): Robert J. Koch

Associate Attorney(s): None

Accorded Benefit of: None

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JUNIOR PARTY

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Timothy J. Ryan
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Serial No. 08/463,836 filed 06/05/95

Title: APPARATUS AND METHODS FOR ENDOLUMINAL GRAFT
PLACEMENT

Assignees: CardioVascular Concepts, Inc.

Attorney(s): James M. Heslin

Associate Attorney(s): None

Accorded Benefit of: U.S. Serial No. 08/255,681 filed
06/08/94

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Application: 08/461,402 filed 06/05/95

Title: BIFURCATED ENDOLUMINAL PROSTHESIS

Assignees: Boston Scientific Technology, Inc.,
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Attorney(s): Paul F. Prestia, Allan Ratner, Andrew L. Ney,
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Simmons, Viviana Amzel, Lawrence E. Ashery,
Christopher R. Lewis, Steven E. Koffs,
Anthony L. Dibartolomeo, Allan M. Wheatcraft,
Anthony Grillo and Leon Nigohosian, Jr.

Associate Attorney(s): None

Accorded Benefit of: European Applications EP9440284.9 filed
02/09/94 and EP94401306.9 filed
06/10/94; and U.S. Serial No. 08/317,763
filed 10/04/94, now Patent No. 5,609,627
issued 03/11/97

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Count 1

An apparatus for reinforcing a bifurcated lumen
comprising:

a first section, configured to be positioned within the
lumen, comprising:

an upper limb, configured to fit within the lumen
upstream of the bifurcation;

a first lower limb, configured to extend into a first
leg of said bifurcation when said first section is positioned in
the lumen, and

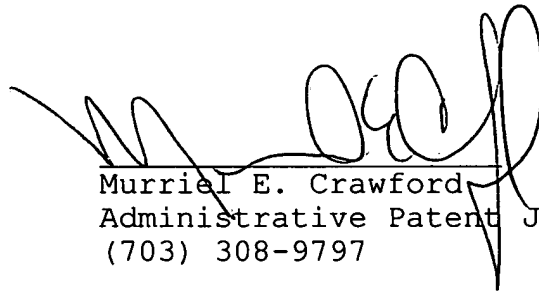
a second lower limb, shorter than said first lower limb, and configured so that when said first section is positioned in the lumen, said second lower limb does not extend into a second leg of said bifurcation.

The claims of the parties which correspond to this count are:

Martin : Claims 2-17

Fogarty : Claims 27-69

Goicoechea et al : Claims 55, 59, 62-65, 88 and 90



Murriel E. Crawford
Administrative Patent Judge
(703) 308-9797

gjh

INTERFERENCE DIGEST

Interference No. 104,192 Paper No. 18-17
Name, George Goicoechea et al.
Serial No. 08/461,402 Patent No. _____
Title, BIFURCATED ENDOLUMINAL PROSTHESIS
Filed, 06/05/95
Interference with Martin and Fogarty et al.

DECISION ON MOTIONS

Examiner-in-Chief, _____ Dated, _____

FINAL DECISION

Board of Patent Appeals and Interferences, adverse Dated, 7/27/01

Court, _____ Dated, _____

REMARKS

